

AMENDED IN SENATE AUGUST 16, 2005

AMENDED IN SENATE JUNE 20, 2005

SENATE BILL

No. 1079

Introduced by Senator Campbell

February 22, 2005

An act to add Section 5080.41 to the Public Resources Code, relating to parks and recreation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1079, as amended, Campbell. Crystal Cove State Park: operating agreement.

(1) Existing law vests with the Department of Parks and Recreation control of the state park system, and authorizes the department to enter into agreements with an agency of the United States, any city, county, district, or other public agency, or any combination thereof, for the care, maintenance, administration, and control by any party to the agreement for the purposes of the state park system, as provided.

This bill would ~~require~~ *authorize* the department to enter into an operating agreement with a qualified nonprofit organization for the development, improvement, ~~restoration~~, care, maintenance, *and* administration, ~~and control~~ of the area designated as the Crystal Cove Historic District. The bill would require that the agreement contain specified provisions, including requiring the nonprofit organization to annually submit to the department a report regarding its operating activities in the park during the prior year. The bill would require the district superintendent for the department, following submittal of that report, to hold a public meeting for discussion of the report and any operating policies or procedures. The bill would require that the general plan for the Crystal Cove Historic District, in addition to other

prescribed requirements, specifically evaluate and define the manner in which the unit is to be operated, *and would require the operating agreement to implement the plan.* The bill would require the department, whenever it intends to enter into an operating agreement pertaining to the Crystal Cove Historic District, to notify each Member of the Legislature in whose district the unit is located, of that intention.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5080.41 is added to the Public
2 Resources Code, to read:

3 5080.41. (a) Notwithstanding any other provision of this
4 article, the department ~~shall~~ *may* enter into an operating
5 agreement with a qualified nonprofit organization for the
6 development, improvement, restoration, care, maintenance,
7 administration, and control of the area designated as the Crystal
8 Cove Historic District. The agreement shall include, but not be
9 limited to, the following:

10 (1) A provision that the district superintendent for the
11 department shall provide liaison with the department, the
12 nonprofit organization, and the public.

13 (2) A provision specifying that the nonprofit organization shall
14 have experience with the issues pertaining to the Crystal Cove
15 Historic District and have the express mission to restore and
16 maintain the Crystal Cove Historic District.

17 ~~(3) A provision specifying that the board of directors of the~~
18 ~~nonprofit organization shall include a member of the city council~~
19 ~~of the City of Newport Beach, a member of the city council of~~
20 ~~Laguna Beach, and a member of the board of supervisors of the~~
21 ~~County of Orange. The city council of the City of Newport~~
22 ~~Beach and the city council of the City of Laguna Beach shall~~
23 ~~each select their representative to serve on the board. The~~
24 ~~member of the board of supervisors of the County of Orange~~
25 ~~shall be the supervisor whose district includes the Crystal Cove~~
26 ~~Historic District.~~

1 (3) A provision specifying that the board of directors for the
2 nonprofit organization, upon the effective date of the operating
3 agreement, shall include a resident from either the City of
4 Newport Beach or the City of Laguna Beach. A resident
5 interested in serving on the board shall be proposed by the
6 mayor of the City of Newport Beach and an interested resident
7 shall be proposed by the mayor of the City of Laguna Beach to
8 the nonprofit organization's board of directors. The board of
9 directors may confirm one of the proposed residents for the
10 board, or may request additional residents from which to select.

11 (4) A provision that all revenues received from the Crystal
12 Cove Historic District shall be expended only for the
13 development, improvement, ~~restoration, preservation,~~ care,
14 maintenance, operation, ~~administration, and control~~ and
15 ~~administration~~ of the unit.

16 (5) A provision specifying that the nonprofit organization shall
17 annually submit a written report to the department regarding its
18 operating activities during the prior year and shall make copies of
19 the report available to the public upon request. The report shall
20 include a full accounting of all revenues and expenditures for the
21 Crystal Cove Historic District.

22 (b) The district superintendent for the department shall,
23 following submittal of the annual report under subdivision (a),
24 hold a public meeting for discussion of the report and any
25 operating policies or procedures. Any recommendations resulting
26 from the annual public meeting shall be submitted by the district
27 superintendent to the director for review ~~and approval~~.

28 (c) The general plan for the Crystal Cove Historic District
29 shall, in addition to the requirements set forth in Section 5002.2,
30 specifically evaluate and define the manner in which the unit is
31 proposed to be operated. ~~The general plan shall be reviewed by~~
32 ~~the State Park and Recreation Commission for a determination~~
33 ~~that the unit will be operated in a manner that generally meets the~~
34 ~~standards followed by the department in its operation of similar~~
35 ~~units, that enhances the general public use and enjoyment of, and~~
36 ~~recreational and educational experiences at, the unit, and that~~
37 ~~provides for the satisfactory management of park resources. The~~
38 ~~operating agreement and the qualified nonprofit organization~~
39 ~~that is described in this section shall implement the general plan~~

1 *for the unit as it is presently in effect or as it is amended from*
2 *time to time.*

3 (d) Whenever the department intends to enter into an operating
4 agreement with respect to the Crystal Cove Historic District, the
5 department shall notify each Member of the Legislature in whose
6 district the unit is located, of that intention.

7 SEC. 2. This act is an urgency statute necessary for the
8 immediate preservation of the public peace, health, or safety
9 within the meaning of Article IV of the Constitution and shall go
10 into immediate effect. The facts constituting the necessity are:

11 In order to make statutory changes at the earliest possible time
12 to enable the Department of Parks and Recreation to enter into an
13 operating agreement for the operation and management of the
14 Crystal Cove Historic District, it is necessary that this act take
15 effect immediately.